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6 *Attorneys for the United States*

7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**

9 UNITED STATES OF AMERICA,

Plaintiff,

10 vs.

11 JOSHUA SADAT WASHINGTON,

12 Defendant.

Case No.: 2:16-cr-00279-JAD-PAL

**Order Granting Government's
Motion to Extend Time to File a
Response to Defendant's Motion to
Vacate, Set Aside or Correct
Sentence
[ECF Nos. 421, 428, 430]**

14 Certification: This motion is timely.

15 Pursuant to Local Rule IA 6-1, the United States submits this first motion for
16 extension of time to file the government's response to Defendant's motion under 28 U.S.C.
17 § 2255. The response is presently due on January 17, 2023, per this Court's order dated
18 December 27, 2022. ECF No. 428. The United States respectfully requests a **28-day**
19 **extension of time, to and including February 14, 2023**, to respond to Washington's motion
20 to vacate his sentence. In support of this request, undersigned counsel states the following:

21 1. On March 7, 2018, a jury convicted Washington on one count each of interference
22 with commerce by robbery (a/k/a Hobbs Act robbery) under 18 U.S.C. § 1951, brandishing
23 a firearm in furtherance of a crime of violence under 18 U.S.C. § 924(c), and transportation
24

1 of stolen property under 18 U.S.C. § 2314.¹ In November, 2018, this Court sentenced him
2 to a total of 204 months' imprisonment.² Washington appealed, and the court of appeals
3 affirmed by a memorandum decision dated August 12, 2020.³ Washington's projected
4 release date is February 10, 2031. <https://www.bop.gov/inmateloc//>

5 2. On October 13, 2022, Washington filed a motion to vacate sentence under 28 U.S.C.
6 § 2255.⁴ On December 27, 2022, the Court ordered the government to respond to
7 Washington's motion by January 17, 2023.⁵

8 3. Undersigned counsel is the newly-appointed chief of the appellate division at the
9 U.S. Attorney's Office for the District of Nevada. In addition to handling criminal appeals,
10 the appellate division is responsible for litigating post-conviction motions, including § 2255
11 motions.

12 4. With the former appellate chief's departure on December 16, 2022, the appellate
13 division is down one full-time AUSA (from five to four). This circumstance has increased
14 the workload of the remaining appellate AUSAs.

15 5. Undersigned counsel has assigned the responsibility for this matter to himself, based
16 on the temporarily heightened workloads of appellate division AUSAs. I was not involved
17 in the case in the district court and will need to review the record and discuss the case with
18 the trial AUSA in an effort to make sense of the grounds in the motion.

19 6. Undersigned counsel assures the Court that he has been diligent and does not seek
20 this extension for purposes of delay. Based on my review of the motion and docket items,
21

22 ¹ ECF No. 225 (verdict).

23 ² ECF No. 320 (judgment).

³ ECF No. 385.

24 ⁴ ECF No. 421.

⁵ ECF No. 428.

1 and the likelihood that most or all of the claims are procedurally barred, undersigned
2 counsel believes he can respond to Washington's claims without obtaining an affidavit or
3 affidavits from Washington's defense counsel. If I conclude that such affidavit(s) are
4 necessary, I will promptly file a request for an order directing defense counsel to provide
5 them.

6 WHEREFORE, based on the foregoing, the government respectfully requests an
7 extension to and including February 14, 2023, to file its response to Washington's motion to
8 vacate sentence.

9 Dated this 6th day of January, 2023.

10 JASON M. FRIERSON
11 United States Attorney

12 s/Robert L. Ellman
13 ROBERT L. ELLMAN
14 Assistant United States Attorney

15 **ORDER**

16 With good cause appearing, the Government's Motion to Extend Time to Respond to
17 Defendant's Motion to Vacate, Set Aside, or Correct Sentence [ECF No. 430] is
18 **GRANTED**. The government's response **deadline is extended to February 14, 2023**.

19 

20 U.S. District Judge
21 January 9, 2023
22
23
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